

## State Water Resources Control Board

February 25, 2019

Ms. Patricia Ryan, Interim Chief Executive Officer  
O'Connor Hospital  
2105 Forest Avenue  
San Jose, CA 95128

**CITATION NO. 02-17-19C-004  
FOR FAILURE TO COMPLY WITH THE DIRECTIVES OF CITATION NO. 02-17-18C-026  
O'CONNOR HOSPITAL, SYSTEM NO. 4300808**

Enclosed is Citation No. 02-17-19C-004 (hereinafter "Citation"), issued to the O'Connor Hospital public water system. Please note that there are legally enforceable deadlines associated with this Citation.

O'Connor Hospital will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC") Section 116577 provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately two hours on enforcement activities associated with this violation.

O'Connor Hospital will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on O'Connor Hospital for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision.

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Philip Dutton of my staff at (510) 620-3654 or via email at [Philip.Dutton@waterboards.ca.gov](mailto:Philip.Dutton@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Lacy", with a large, stylized loop at the end.

Eric Lacy, P.E.  
District Engineer, Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board

Cc: Santa Clara County Environmental Health

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** O'Connor Hospital

**Water System No:** 4300808

**Attention:** Patricia Ryan, Interim Chief Executive Officer

2105 Forest Avenue

San Jose, CA 95128

**Issued:** February 25, 2019

**CITATION FOR NONCOMPLIANCE**  
**CALIFORNIA CODE OF REGULATIONS, SECTION 64675 AND**  
**CITATION NO. 02-17-18C-026**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, citation, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division"), and the Deputy Director for the Division, hereby issues Citation No. 02-17-19C-004 (hereinafter "Citation"), pursuant to Section 116650 of the CHSC to O'Connor Hospital for violation of California Code of Regulations (hereinafter "CCR"), Section 64675 and for failure to comply with the directives of Citation No. 02-17-18C-026

### STATEMENT OF FACTS

O'Connor Hospital is classified as a nontransient noncommunity public water system with a population of 2,500 individuals. O'Connor Hospital is using a groundwater source and a purchased water connection to supply potable water to its distribution system.

CCR, Section 64675 establishes the general lead and copper monitoring requirements.

The Division issued Citation No. 02-17-18C-026 to O'Connor Hospital on April 24, 2018, for violation of California Code of Regulations, Title 22, Section 64675. Specifically, O'Connor Hospital failed to report the required number of lead and copper analytical results to the State Water Board for 2017. A copy of Citation No. 02-17-18C-026 is included as Appendix 1 of this Citation. Citation No. 02-17-18C-026 directed the O'Connor Hospital to take the following actions:

1. O'Connor Hospital shall ensure that its lead and copper monitoring program is maintained in accordance with the Lead and Copper Rule (CCR, Title 22, Sections 64670 through 64690.80) and that the analytical results are reported to the State Water Board by the 10<sup>th</sup> day of the month after the end of each period during which such sampling or monitoring was conducted. The samples shall be collected between the months of June and September in the required monitoring period, unless otherwise directed by the Division. Appendix 5: Lead and Copper

1 Rule Reporting Form shall also be completed and submitted to the State Water  
2 Board by the 10<sup>th</sup> day of the month after the end of each period during which  
3 such sampling or monitoring was conducted.

4  
5 **Status:** *This requirement is ongoing.*  
6

- 7 2. On or before **May 30, 2018**, notify all persons served by O'Connor Hospital of the  
8 violation of CCR, Title 22, Section 64675, in conformance with Sections  
9 64463.4(b) and (c) and 64465. Copies of Sections 64463.4 and 64465 are  
10 included in Appendix 1. Appendix 2: Notification Template shall be used to fulfill  
11 this Directive, unless otherwise approved by the State Water Board.

12  
13 **Status:** *The Division has no record that O'Connor Hospital has complied with the*  
14 *notification requirements.*  
15

- 16 3. Complete Appendix 3: Compliance Certification Form. Submit it together with a  
17 copy of the public notification required by Directive 2 to the State Water Board on  
18 or before **June 10, 2018**.

19  
20 **Status:** *The Division has not received the required compliance certification.*  
21

- 22 4. Collect and report lead and copper samples in accordance with CCR, Title 22,  
23 Sections 64675 and 64690.10, for the 2018 monitoring period **between June 1,**  
24 **2018, and June 30, 2018**. Appendix 5: Lead and Copper Rule Reporting Form  
25 shall be used to submit the results of this monitoring to the State Water Board.  
26

27 **Status:** *The Division has no record that O'Connor Hospital has conducted the required*  
28 *monitoring and reporting.*

- 1
- 2 5. O'Connor Hospital shall include this violation in its 2017 Consumer Confidence
- 3 Report, in accordance with CCR, Title 22, Section 64481(g)(1).
- 4

5 **Status:** *O'Connor Hospital has not submitted a copy of its 2017 Consumer Confidence*

6 *Report to the Division.*

7

- 8 6. On or before **May 10, 2018**, complete and return to the State Water Board the
- 9 "Notification of Receipt" form attached to this Citation as Appendix 5. Completion
- 10 of this form confirms that O'Connor Hospital has received this Citation and
- 11 understands that it contains legally enforceable directive(s) with due dates.
- 12

13 **Status:** *The Division has not received the required notification of receipt.*

14

15 **DETERMINATION**

16

17 The State Water Board has determined that O'Connor Hospital has failed to comply with

18 every directive of Citation No. 02-17-18C-026.

19

20 **PENALTY PURSANT TO HEALTH AND SAFETY CODE SECTION 116650**

21

22 The State Water Board hereby assesses upon O'Connor Hospital an administrative

23 penalty in the amount of **\$1,000.00**. O'Connor Hospital is directed to pay this penalty in

24 accordance with the requirements set forth in Directive 4 of this Citation.

25

26 **DIRECTIVES**

27

28 O'Connor Hospital is hereby directed to take the following actions:

29

1. Collect lead and copper samples in accordance with CCR, Title 22, Sections 64675 and 64690.10, for the 2019 monitoring period **between June 1, 2019, and June 30, 2019**. The samples must be collected as first flush samples from no fewer than 10 locations in the hospital. Additional instructions on lead and copper sampling and site selection are provided in Appendix 2.
2. By no later than **August 10, 2019**, submit the results of the lead and copper monitoring to the Division using Appendix 3: Lead and Copper Rule Reporting Form.
3. On or before **March 31, 2019**, notify all persons served by O'Connor Hospital of the violation of CCR, Title 22, Section 64675, in conformance with CCR, Sections 64463.4(b) and (c) and 64465. The applicable notification template to be used to fulfill this Directive has been provided as part of Appendix 4.
4. Complete Appendix 3: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 2 to the State Water Board on or before **April 10, 2019**. The certification form is provided as part of Appendix 4.
5. Report this violation to its customers on its 2018 Consumer Confidence Report, in accordance with CCR, Title 22, Section 64481(g)(1) and Section 64481(g)(3). The 2018 Consumer Confidence Report is due to O'Connor Hospital customers by no later than **July 1, 2019**.
6. Submit to the State Water Board by **March 30, 2019**, a check for the administrative penalty of **\$1,000.00** imposed by this Citation and a copy of the form, which is attached as Appendix 4, hereto entitled "Notice of Administrative Penalty." The Citation number must be written on the check. The check must be made payable to the **State Water Resources Control Board** and submitted to:

SWRCB Accounting Office  
ATTN: Drinking Water Program Fees  
P.O. Box 1888  
Sacramento, CA 95812-1888

All submittals required by this Citation, unless otherwise specified in the directives above, must be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation must include the following information: Water System name and number, citation number and title of the document being submitted.

Mr. Eric Lacy, P.E.  
District Engineer, Santa Clara District  
Division of Drinking Water  
State Water Resources Control Board  
DWPDist17@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

Nothing in this Citation relieves O'Connor Hospital of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.



**PARTIES BOUND**

This Citation shall apply to and be binding upon O'Connor Hospital, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this Citation are severable, and O'Connor Hospital shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Citation.



Stefan Cajina, P.E., Chief

Feb. 25, 2019

Date

North Coastal Section

State Water Resources Control Board

Division of Drinking Water

## Appendices:

1. Citation No. 02-17-18C-026
2. Lead and Copper Sampling Guidance
3. Lead and Copper Reporting Form
4. Public Notification and Certification Forms
5. Notice of Administrative Penalty Form

Certified Mail No. 7004 1350 0005 4027 7270